

as their invention; this change is in wording only, and does not narrow the scope of the claim in any respect. Claim 7 is the only independent claim.

Applicants note the objection to the application as not containing Figs. 10-24; in fact those Figures were filed in the Patent and Trademark Office as part of this application, and receipt of all 24 sheets of drawings by the Patent and Trademark Office is evidenced by the attached copy of a return postcard bearing the Patent and Trademark Office Mail Room's stamp. A new set of drawings (including, for the Examiner's convenience, all 24 sheets) is submitted herewith.

Claim 9 was rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. The Examiner has apparently read " 24' " in that claim as meaning "24 feet"; what was intended was 24 minutes of arc, for which " ' " is a standard symbol. Nonetheless, Applicants have amended Claim 9 as shown above to eliminate this as an issue.

Claims 7-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,073,893 (Kondou).

Independent Claim 7 is directed to a semiconductor device comprising a substrate and formed thereon an active layer having the principal plane of (111)-plane, the active layer being used in photoelectric conversion.

As understood by Applicants, the Office Action asserts that Kondou teaches an active layer of (111)-plane on a substrate. Applicants respectfully submit that this reading of Kondou is not correct. The principal plane in the

semiconductor structure in *Kondou* is a surface of the region indicated by the symbol 21b (see, for example, Figs. 3 and 6). The surface of the region indicated by the symbol 21a does not constitute a principal plane. A "principal plane" is a horizontal plane when a substrate or a wafer is placed on a horizontal surface, but that term does not include a side plane having unevenness. Applicants believe this is the usual technical sense of this term for those skilled in this art.² Naturally, if the Examiner maintains this rejection based on "principal plane" having another meaning, he is respectfully requested to supply evidence supporting the acceptability of such other meaning in this art.

In fact, nothing has been found or pointed out in *Kondou* that would teach or suggest the structure recited in Claim 7, and that claim is accordingly deemed to be clearly allowable over *Kondou*.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

^{2/} In this regard, the Examiner is respectfully referred to the description in col. 9, lines 20-22, and Fig. 12 of U.S. Patent No. 5,627,851, a copy of which is attached hereto. It should be carefully understood that Applicants are not submitting this as material information; this is not an Information Disclosure Statement, and the Examiner is not requested to make this patent of record.

The other claims in this application are each dependent from independent Claim 7, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,


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VERSION OF CLAIM MARKED TO SHOW CHANGE

For the Examiner's convenience, all the claims now pending in this application (other than the non-elected claims), whether currently amended or not, are shown below:

1. (Cancelled).
2. (Cancelled).
3. (Cancelled).
4. (Cancelled).
5. (Cancelled).
6. (Cancelled).
7. A semiconductor device comprising a substrate and formed thereon an active layer having the principal plane of (111)-plane; the active layer being used in photoelectric conversion.
8. The semiconductor device according to Claim 7, wherein, where an angle formed by any arbitrary two cutting

lines not coming into coincidence is represented by θ , the active layer has a cutting angle of $|\cos\theta| = \frac{1}{2}$ or $3^{1/2}/2$.

9. (Amended) The semiconductor device according to Claim 7, wherein the deviation of principal plane from the strict (111) plane is [within 24'] within an angle equal to 24/60ths of a degree (0°24').